

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROY GEORGE THOMAS,
(TDCJ-CID #01652598)

Petitioner,

vs.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION H-14-0355

MEMORANDUM ON DISMISSAL

The petitioner has not responded to the Respondent's Motion for Summary Judgment. (Docket Entry No. 13). The court's order to answer entered February 18, 2014, required the petitioner to respond to any dispositive motion filed by the respondent within thirty days. (Docket Entry No. 5).


On August 14, 2014, the petitioner moved for a ninety-day extension of time so that he could file a response to the respondent's motion for summary judgment. (Docket Entry No. 14). On November 19, 2014, this court granted the petitioner's Motion for Extension of Time and instructed the petitioner to file a response to the respondent's motion for summary judgment by December 15, 2014. (Docket Entry No. 15). This court admonished the petitioner that failure to comply within the time specified may result in the dismissal of this action for want of prosecution.

The petitioner's failure to pursue this action forces this court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b);

Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b).

This action is DISMISSED without prejudice for want of prosecution. Respondent's Motion for Summary Judgment, (Docket Entry No. 13), is DENIED as moot.

SIGNED at Houston, Texas, on Jan 6, 2015.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE